

REMARKS

Claims 1-14 were rejected under 37 C.F.R. § 102(e) as being anticipated by Vallee (US Pat. 6, 894,977)

Applicants have amended independent claims 1 and 14, along with dependent claim 4. The claims have been amended to clarify that the term tapping was intended to convey that an unobtrusive connection was being made between two network nodes, rather than being incorporated into one of the nodes, as shown by Vallee. Accordingly, the claims have been amended to explicitly state that this is a passive connection (as supported by [0007], rather than the active monitoring described by Vallee, and the present application background at [0005]. Claim 14 was further amended to further clarify that there is no need to re-transmit the data packets.

This amendment clearly distinguishes over Vallee, which does not provide for a monitor to unobtrusively connect between two nodes, without being located at a node, and providing monitoring and analysis of the virtual connections without having to actively generate test signals at all. At column 9, lines 60-65 in Vallee it is clear that Vallee is sending test patterns, which the present claims avoid. Accordingly, Applicants respectfully suggest that the claims as amended, including the dependent claims that depend directly or indirectly from the amended claims, are no longer anticipated by Vallee.

Based upon the arguments provided above, applicants respectfully request that all pending claims be allowed and this application passed on to issuance.

Respectfully submitted,
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